

A U S T I N C I T Y C O U N C I L

**AGENDA**



Thursday, November 16, 2006

Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. *69*

**Subject:** C14-06-0123 - Ardent 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1500 South Lamar Boulevard (West Bouldin Creek Watershed) from community commercial (GR) district zoning and general commercial services (CS) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Ocean Stone SC, L L C (Robert S. Peek Jr ) Agent: Drenner & Golden Stuart Wolff, SSP (Michele Rogerson). City Staff: Robert Heil, 974-2330.

**Additional Backup Material**

(click to open)

- Staff\_Report
- Ordinance

**For More Information:**

C14-06-0123 and C14-06-0124

### ZONING CHANGE REVIEW SHEET

**CASE:** C14-06-0123 and C14-06-0124 Ardent

**PC Date:** September 26, 2006

*Note. These two cases are very closely related, and a single zoning review sheet was prepared to facilitate discussion*

**ADDRESS:** 1500 South Lamar Blvd (C14-06-0123)  
1418 South Lamar Blvd (C14-06-0124)

<b><u>AREA:</u></b>	C14-06-0123	1.551 acres
	C14-06-0124	1.755 acres
	<b>Total:</b>	<b>3.306 acres</b>

**OWNER/APPLICANT:** Ocean Stone SC, L.L.C. (Robert S. Peek Jr)

**AGENT:** Drenner, & Golden Stuart Wolff, SSP (Michelle Rogerson)

**ZONING FROM:** C14-06-0123 GR and CS  
C14-06-0124 MF-3 and CS

**ZONING TO:** GR-MU-CO

**STAFF RECOMMENDATION:**

Staff recommends approval of GR-MU-CO in both cases. The conditional for both cases would limit daily vehicle trips to no more than 2000 per day collectively over the existing trips, and prohibit the following uses on both tracts:

Automotive Rentals	Indoor Sports and Recreation
Automotive Repair Services	Outdoor Sports and Recreation
Automotive Sales	Pawn Shop Services
Automotive Washing (of any type)	Service Station
Bail Bond Services	Local Utility Services
Commercial Off-Street Parking	Theater
Drop-Off Recycling Collection Facility	Telecommunication Tower – 1
Exterminating Services	Residential Treatment
Funeral Services	

The applicant agrees with the propose conditions.

**PLANNING COMMISSION RECOMMENDATION:**

**September 26, 2006:** Approved staff's recommendation of GR-MU-CO (7-0).

**DEPARTMENT COMMENTS:**

The two tracts together consist of 3.3 acres developed as apartments and zoned a mix of general commercial services (CS), community commercial (GR) and multifamily residence (medium density) (MF-3). It is the request of the applicant to rezone both tracts to community commercial – mixed use – conditional overlay (GR-MU-CO). The conditions of the overlay are detailed above in the staff recommendation.

Staff supports the zoning request to community commercial – mixed use – conditional overlay (GR-MU-CO).

These two tracts are separated by Cinco Street, and it is the intent of the applicant to vacate Cinco Street, and develop the entire property together with a mix of multi-family and retail uses. However, as the two tracts are currently separated by a public right-of-way and as such, separate zoning applications were required.

The cases were submitted in May of 2006, but the applicant requested that they not be scheduled for public hearing at Planning Commission until they had time to meet with the neighborhood and discuss the proposal

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR, CS and MF-3	Apartments
<i>North</i>	CS	Auto Parts Sales
<i>South</i>	GR and CS	Apartments, Restaurant and Auto Repair
<i>East</i>	CS, CS-1	Retail, Pool Hall, Convenience Storage
<i>West</i>	GR and MF-3	Apartments

**AREA STUDY:** The property is within the proposed South Lamar Neighborhood Planning Area which began meeting in the Fall of 2005.

**TIA:** A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 additional vehicle trips per day, collectively. [LDC, 25-6-117]

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

- Zilker Neighborhood Association
- South Central Coalition
- Austin Neighborhoods Council
- Barton Springs/Edwards Aquifer Conservation District
- Austin Independent School District

**SCHOOLS: (AISD)**

Zilker Elementary School    O Henry Middle School    Austin High School

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Rte	Bike Rte
Lamar Blvd	84'	67'	Arterial	No	Yes	No
Cinco Street	60'	44'	Collector	North side	No	No

**CITY COUNCIL DATE:**

**ACTION:**

November 2, 2006

Postponed to 11/16 at the request of the neighborhood

November 16, 2006

**ORDINANCE READINGS:**

1<sup>st</sup>

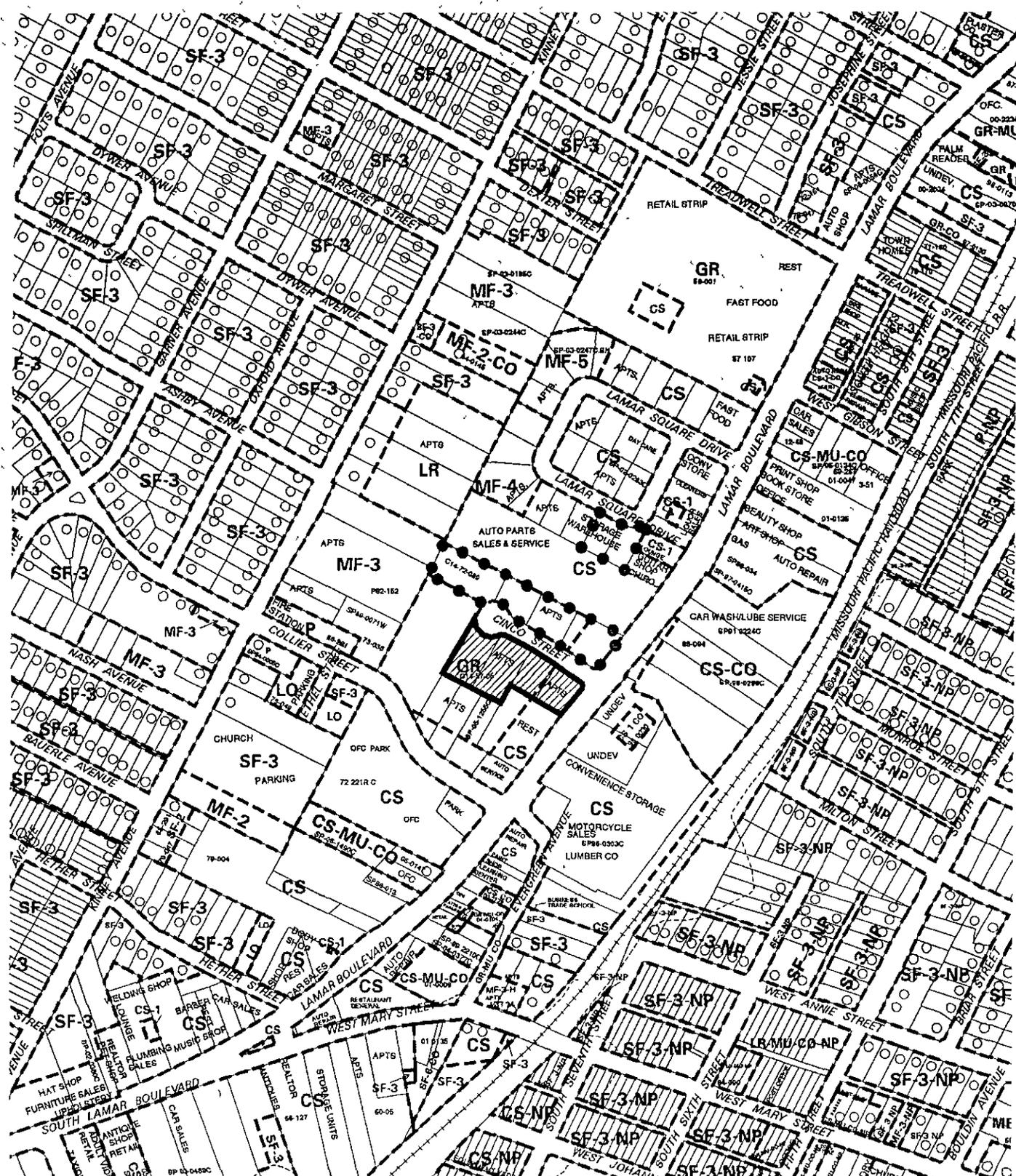
2<sup>nd</sup>

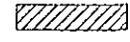
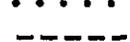
3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Heil  
e-mail address: [robert.heil@ci.austin.tx.us](mailto:robert.heil@ci.austin.tx.us)

**PHONE:** 974-2330



 1" = 400'	SUBJECT TRACT 	<b>ZONING</b>  CASE #: C14-06-0123 ADDRESS 1500 S LAMAR BLVD SUBJECT AREA (acres) 1.551	DATE: 06-09  INTLS SM	CITY GRID REFERENCE NUMBER  H21
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR R.HEIL			

MF-4-NP



C14-06-0124 Ardent 2 of 2  
1418 South Lamar Blvd  
From CS and MF-3 to GR-MU-CO

C14-06-0123 Ardent 1 of 2  
1500 South Lamar Blvd  
From GR and CS to GR-MU-CO

**SUMMARY STAFF RECOMMENDATION**

Staff recommends approval of GR-MU-CO in both cases. The conditional for both cases would limit daily vehicle trips to no more than 2000 additional trips per day collectively, and prohibit the following uses on both tracts:

- |  |                               |
|--|-------------------------------|
| Automotive Rentals                     | Indoor Sports and Recreation  |
| Automotive Repair Services             | Outdoor Sports and Recreation |
| Automotive Sales                       | Pawn Shop Services            |
| Automotive Washing (of any type)       | Service Station               |
| Bail Bond Services                     | Local Utility Services        |
| Commercial Off-Street Parking          | Theater                       |
| Drop-Off Recycling Collection Facility | Telecommunication Tower – 1   |
| Exterminating Services                 | Residential Treatment         |
| Funeral Services                       |                               |

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

- 1      *The proposed zoning should be consistent with the purpose statement of the district sought.*

Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways. The purpose of the mixed use (MU) combining district is to allow office, retail, commercial and residential uses to be combined in a single development.

- 2      *Zoning changes should promote compatibility with adjacent and nearby uses.*

Community commercial-mixed use is compatible with the surrounding mix of multi-family and intense commercial uses, and is appropriate along an arterial roadway like Lamar Blvd.

**Transportation**

No additional right-of-way is needed at this time.

For case C14-06-0123, the trip generation under the requested zoning is estimated to be 8,260 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

For case C14-06-0124, the trip generation under the requested zoning is estimated to be 8,949 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

C14-06-0123 and C14-06-0124

The proposed uses (220 apartments and 10,000sf of specialty retail) will generate approximately 2,268 vehicle trips per day.

A traffic impact analysis was waived for this case because the overall increase in vehicle trips will be less than 2,000 per day beyond what currently exists on the property. If the zoning is granted, development for this both tracts a should collectively be limited through a conditional overlay to less than 2,000 additional vehicle trips per day.

**Existing Street Characteristics:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Rte	Bike Rte
Lamar Blvd	84'	67'	Arterial	No	Yes	No
Cinco Street	60'	44'	Collector	North side	No	No

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, the property is developed with an apartment complex and there do not appear to be any significant environmental features.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.

C14-06-0123 and C14-06-0124

The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

May 31, 2006

Mr. Greg Guernsey  
Neighborhood Planning and Zoning Department  
City of Austin  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, TX 78704

**VIA HAND DELIVERY**

RE. Ardent/South Lamar Rezoning Applications; 1.5513 and 1.755 acres (3.3063 acres total) located at 1418-1500 South Lamar Boulevard ("Property"); Proposed Rezoning from CS, General Commercial Services District zoning, GR, Community Commercial District zoning and MF-3, Multifamily Residence Medium Density District zoning to CS-MU, General Commercial Services – Mixed Use Combining District zoning.

Dear Greg:

As representatives of the prospective purchaser of the above stated Property, we respectfully submit the enclosed rezoning application packets. The project is titled Ardent/South Lamar. The Property is currently divided by Cinco Street, which requires the filing of two separate applications, as the lots are not contiguous. Please note that it is intended that Cinco Street be vacated. The Property is located within the pending South Lamar Combined Neighborhood Plan area. At this time, the Property is developed with an existing multifamily apartment complex. The prospective purchaser intends to develop the Property with a mixed-use development consisting of multifamily and retail uses.

A Traffic Impact Analysis ("TIA") has been waived per the enclosed TIA Determination Worksheet completed by Emily Barron. As indicated, the project does not generate more than 2,000 vehicle trips above the existing traffic generated on the Property today (25-8-26). As such, the site is limited to 2,000 vehicle trips per day over the existing conditions.

The Property is within the boundaries of the pending South Lamar Combined Neighborhood Plan area. At this time the Future Land Use Map (FLUM) is still in progress. We have and will continue to meet with representatives of the neighborhood and City neighborhood planning staff to discuss the proposed project with regard to the proposed future land use for this Property. The Property is located along a central urban corridor (Lamar Boulevard), which currently hosts a mix of uses from residential, to commercial, office and industrial. The proposed rezoning of the Property from CS, GR and MF-3 to CS-MU and project is proposed to be a mix of uses intended to complement future mixed-use development anticipated for this corridor.

Mr. Greg Guernsey  
May 31, 2006  
Page 2

The zoning and land uses established along the west side of South Lamar are a mix of CS, CS-1, GR, MF-2-5, and SF-3 including heavy commercial, office and residential uses. The zoning and land uses established to the east of South Lamar consist of a mix of CS, CS-MU, GR-MU and SF-3 including heavy commercial, office and residential uses. Copies of the existing zoning ordinances for the Property are enclosed for your review.

The Property consists of a total of 3.3063 acres made up of Lots 1-8 of the Cinco Subdivision at South Lamar. A copy of the subdivision plat is enclosed for your review. There are no pending or approved site plans at this time.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



Michele Rogerson Allen

Enclosures

cc Jerry Rusthoven and Robert Heil, Neighborhood Planning and Zoning Department (*via facsimile at 974-6054*)  
Adam Smith and Mark Walters, Neighborhood Planning and Zoning Department (*via hand delivery with Enclosures 974-6054*)  
Brett Denton, Ardent Residential, *via facsimile without enclosures (472-6555)*  
Steven C Metcalfe, Firm

September 7, 2006

Mr. Greg Guernsey  
Neighborhood Planning and Zoning Department  
City of Austin  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, TX 78704

**VIA HAND DELIVERY**

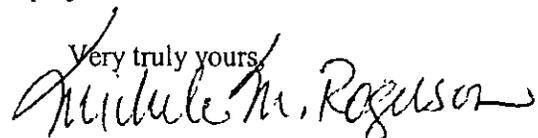
RE: Amended Requests for Ardent/South Lamar Rezoning Applications; C14-06-0123 and C14-06-0124 located at 1418-1500 South Lamar Boulevard ("Property"); Proposed Amendment to Rezone from CS, General Commercial Services District zoning, GR, Community Commercial District zoning and MF-3, Multifamily Residence Medium Density District zoning to GR-MU, Community Commercial Services – Mixed Use Combining District zoning.

Dear Greg:

As representatives of the prospective purchaser of the above stated Property, we respectfully submit a request to amend the rezoning requests for the above-mentioned applications. The request originally submitted on May 31, 2006 was for rezoning to CS-MU. After further inspection of the proposed development for this Property, it was decided that downzoning to GR-MU would accomplish the same goals.

My understanding from Robert Heil, Case Manager, is that the amended request is still in line with the previous staff recommendation for this Property. In addition, the proposed development is still intended to be a mixed-use project, which is also still in line with the proposed goals of the pending South Lamar Combined Neighborhood Plan.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,  


Michele M. Rogerson

cc. Jerry Rusthoven and Robert Heil, Neighborhood Planning and Zoning Department (via facsimile at 974-6054)  
Adam Smith and Mark Walters, Neighborhood Planning and Zoning Department (via facsimile 974-6054)  
Brett Denton, Ardent Residential, via facsimile without enclosures (472-6555)  
Steven C. Metcalfe, Firm

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 1500 SOUTH LAMAR BOULEVARD FROM  
3 COMMUNITY COMMERCIAL (GR) DISTRICT AND GENERAL  
4 COMMERCIAL SERVICES (CS) DISTRICT TO COMMUNITY COMMERCIAL-  
5 MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT.  
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
10 change the base district from community commercial (GR) district and general commercial  
11 services (CS) district to community commercial-mixed use-conditional overlay (GR-MU-  
12 CO) combining district on the property described in Zoning Case No. C14-06-0123, on file  
13 at the Neighborhood Planning and Zoning Department, as follows:  
14

15 Lots 5, 6, 7, and 8, Cinco Subdivision, a subdivision in the City of Austin, Travis  
16 County, Texas, according to the map or plat of record in Plat Book 62, Page 42, of  
17 the Plat Records of Travis County, Texas (the "Property"),  
18

19 locally known as 1500 South Lamar Boulevard, in the City of Austin, Travis County,  
20 Texas, and generally identified in the map attached as Exhibit "A".  
21

22 PART 2. The Property within the boundaries of the conditional overlay combining district  
23 established by this ordinance is subject to the following conditions:  
24

25 1. The following uses are prohibited uses of the Property:  
26

27 Automotive rentals	Automotive repair services
28 Automotive sales	Automotive washing (of any type)
29 Bail bond services	Commercial off-street parking
30 Drop-off recycling collection facility	Exterminating services
31 Funeral services	Indoor sports and recreation
32 Outdoor sports and recreation	Pawn shop services
33 Service station	Local utility services
34 Theater	Telecommunication tower 1
35 Residential treatment	
36	
37	

1 2. A site plan or building permit for the Property may not be approved, released, or  
2 issued, if the completed development or uses of the Property, considered cumulatively  
3 with all existing or previously authorized development and uses, generate traffic that  
4 exceeds 1,000 trips per day.  
5

6 Except as specifically restricted under this ordinance, the Property may be developed and  
7 used in accordance with the regulations established for the community commercial (GR)  
8 base district and other applicable requirements of the City Code.  
9

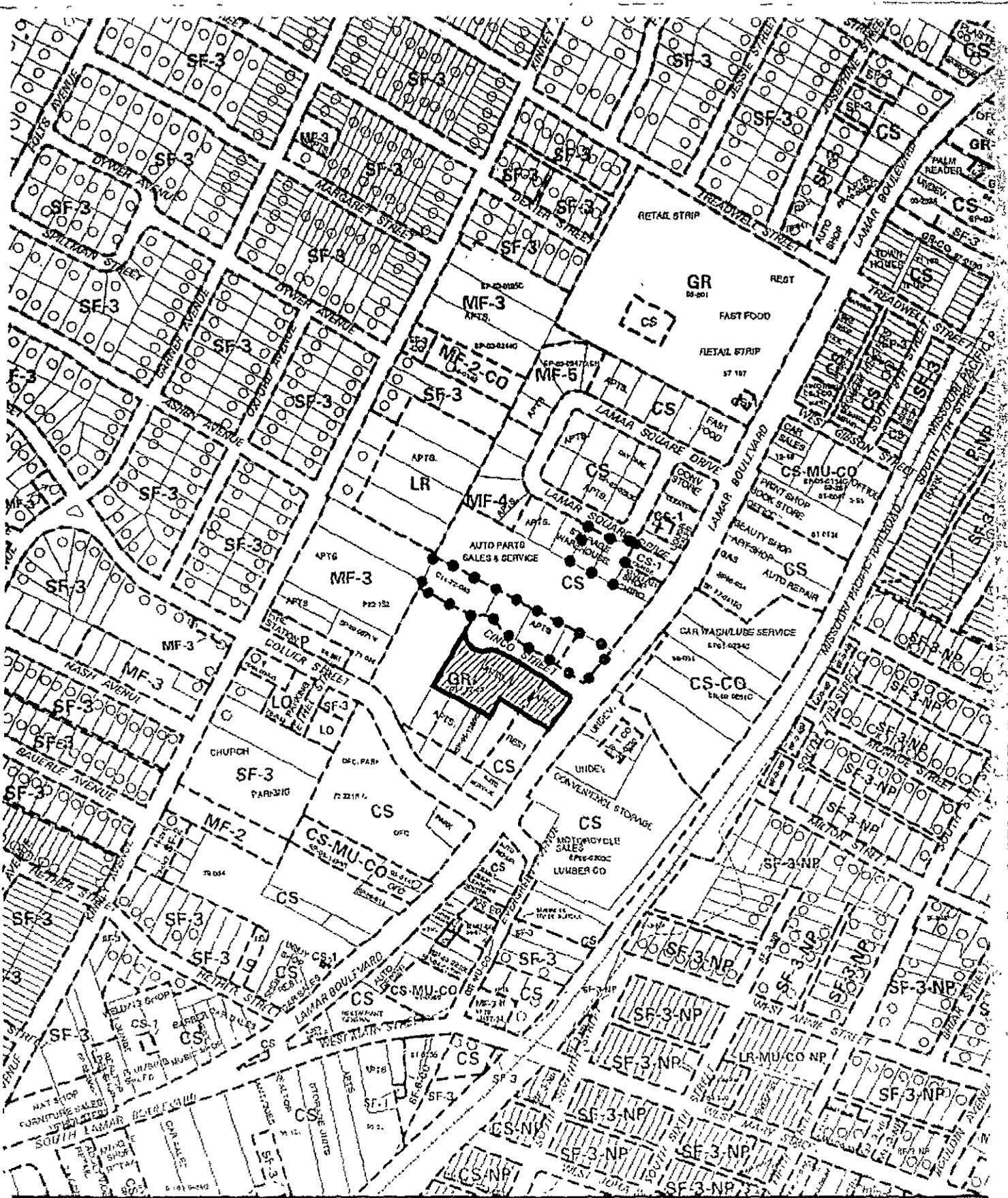
10 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.  
11

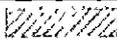
12  
13 **PASSED AND APPROVED**

14  
15 §  
16 §  
17 \_\_\_\_\_, 2006 § \_\_\_\_\_  
18

19 Will Wynn  
20 Mayor

21  
22 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
23 David Allan Smith Shirley A. Gentry  
24 City Attorney City Clerk



	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MAP BIER</p>	<p style="text-align: center;"><b>ZONING EXHIBIT A</b></p> <p>CASE # C14-06-0123</p> <p>ADDRESS: 1500 S LAMAR BLVD</p> <p>SUBJECT AREA (area) 1831</p>	<p>DATE 06-09</p> <p>HTLS SIA</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>H41</p>
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MF-4-NP